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Attorneys for plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

STEVEN AMES BROWN,  
Plaintiff,

CIVIL NO. Cv. 08-02348 VRW

v.

ANDREW B. STROUD, an individual and  
STROUD PRODUCTIONS AND  
ENTERPRISES, INC.

SUPPLEMENTARY DECLARATION OF  
STEVEN AMES BROWN IN  
OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS RE: NEWLY  
DISCOVERED EVIDENCE

Defendants.

Date: August 21, 2008

Time: 2:30 p.m.

Judge: Hon. Vaughn R. Walker

INTRODUCTION

I, STEVEN AMES BROWN, declare:

1. I am the plaintiff in this action.

2. The purpose of this declaration is to bring before the Court newly discovered evidence.

3. Earlier this week I learned of a new Internet search engine, [www.cuil.com](http://www.cuil.com). I heard it found pages that did not appear in google.com or yahoo.com searches because of a difference in its algorithm. I searched on my name and over several days inspected the pages. At nearly the end of the search I found a link to a Nina Simone fan site called [www.high-priestess.com](http://www.high-priestess.com). Nina was often referred to in the press as "the high priestess of soul" in the same way as James Brown was often referred to as "the godfather of soul."

4. The page to which I was directed contained an email authored by Andrew Stroud. *Exhibit 4*. (I am using consecutive exhibit numbers on my declarations in this motion.) I had never before seen that web page or Mr. Stroud's email. I have run a "whois" search on [www.high-priestess.com](http://www.high-priestess.com) and the registry states that the domain's registrant is Aaron Heidemann. I believe the email was in fact authored by Mr. Stroud because Mr. Heideman wrote a preface that vouches for its authenticity. Mr. Heidemann wrote: "this is an update provided to me by Andrew Stroud ... FROM ANDREW STROUD".

5. Here is the text of Mr. Stroud's email that is posted on [www.high-priestess.com](http://www.high-priestess.com):

"I presently have several court suits against Brown; the main one with the RCA (SONY/BMG) label about Brown taking Nina in and falsely representing themselves as "authorized representatives of Stroud Productions & Enterprises" making a claim to and receiving payment from RCA of the funds in my producer royalty account. This case is presently in court.

"Another case is with Charly Records (London-UK) wherein attorney Brown licensed masters which I own and allege that he obtained fraudulently (which is currently in court).

1 In another issue in this case, Charly Records advertised on Amazon.com and other major  
2 online outlets their re-issue of my first 2 LPs on Stroud Records: Nina Simone Sings Billie  
3 Holiday (1972) and Gospel According to Nina Simone (1973). In their advertisement  
4 Charly identifies them as Andy Stroud releases and used the artwork from each LP on  
5 their CD jacket and booklet. The unauthorized use of the artwork constitutes copyright  
6 infringement. Attorney Brown supplied Charly with all of the information and the LP covers  
7 artwork. Charly and I are in settlement negotiations regarding the artwork issues.

8 "Since Nina gave Brown 40% interest in her catalog, he has conducted an  
9 unceasing war on any and everybody with Nina Simone masters in an illegal manner and I  
10 am aggressively pursuing him through the courts to recover the masters I legally have a  
11 right to as a result of my property settlement with Nina.

12 "This is a thumbnail sketch of what is going on with my legal efforts to reclaim  
13 masters and royalties which Brown obtained illegally."

14 4. Mr. Stroud's email is relevant to the issues in this lawsuit because in his second  
15 paragraph he alleges the master recordings he owns and that I allegedly licensed to  
16 Charly Records are the same 52 recordings which are the subject of this lawsuit. In the  
17 third paragraph the recordings which he alleges I obtained "in an illegal manner" are the  
18 same 52 recordings that are the subject of this lawsuit. I know they are the same  
19 recordings because the 52 masters which are the subject of this lawsuit are 52 of the  
20 masters that were the subject of Mr. Stroud's "property settlement with Nina." Those are  
21 the same 52 masters which were the subject of my telephone conversation with Mr. Stroud  
22 which I discussed in my prior declaration.

23 5. Mr. Stroud's email was defamatory in at least the following respects. In his first  
24 paragraph Mr. Stroud alleges that I falsely represented to RCA that I, along with Nina, was  
25 a representative of "Stroud Productions & Enterprises". That statement is demonstrably  
26 false. I have never held myself out as a representative of that company. The accusation

1 that I falsely claimed to represent someone I did not represent is to call me dishonest.

2 6. In his second paragraph he alleges that I falsely represented myself as the  
3 owner of the disputed recordings and licensed them to Charly Records and that these facts  
4 were the subject of litigation in England. I in fact am one of the owners of the recordings  
5 and more importantly, I did not license those recordings to Charly. I also believe the  
6 statement that there is litigation on this subject against Charly is false because, (1) if there  
7 had been litigation Mr. Stroud would have known that Nina licensed those recordings to  
8 Charly and not me and (2) since Nina's business address on her license with Charly was  
9 my office address, any notices of a lawsuit, such as a demand for indemnity or for  
10 evidence, would have to be delivered to me and I have received no such notices or  
11 demands. Mr. Stroud also falsely accuses me of giving his artwork to Charly. I had no  
12 hand in providing to Charly any of the artwork which Mr. Stroud referenced and claims to  
13 own. Again, Mr. Stroud has falsely accused me of conduct which suggests that I am unfit  
14 to be an attorney.

15 7. In his third paragraph Mr. Stroud directly and falsely accuses me of acting in an  
16 "illegal manner" with respect to the 52 recordings which are the subject of this lawsuit. I  
17 have done nothing illegal and the accusation casts doubt on my fitness to act as an  
18 attorney.

19 8. In his fourth paragraph Mr. Stroud alleges that I "illegally" obtained the 52  
20 recordings which are the subject of this lawsuit. That statement is false and once again  
21 directly casts doubt on my fitness to act as an attorney.

22 9. To the extent Mr. Stroud claims privilege for summarizing allegations made in  
23 litigation in England, as I have stated above, I believe no such litigation exists. Had such  
24 litigation existed Mr. Stroud would have known that I did not license the recordings to  
25 Charly and since Nina's contracting address was my office address, in the ordinary course  
26 of business I would have received a demand for indemnity and/or a request for evidence to

1 prove Nina's interest in the recordings and I have received neither.

2 10. That Mr. Stroud intended his actions to affect a person he knew lived in  
3 California is established by four facts. Mr. Stroud knew that I was a California resident  
4 because, among other things, he telephoned me at my area code 415 number and  
5 admitted to me years ago that he had read several of the injunctions all of which listed my  
6 California address. Also, an open letter published on the Internet claiming that I am  
7 illegally licensing recordings in which I have no interest by its very nature causes harm in  
8 California. The worldwide epicenter of licensing recordings for use in motion pictures is  
9 California. The overwhelming practice is that American motion pictures which utilize  
10 recorded music involve a music supervisor or a "clearance company" or a licensor that has  
11 an office in California. Finally, virtually every "special markets" department of every major  
12 and mini-major company and independent brokers who might be interested in buying or  
13 brokering my rights do business from offices inside California. Indeed, the company that is  
14 the most aggressive in buying independent catalogs and which, incidentally, is the owner  
15 of the largest selling Nina Simone catalog and is also the largest record company in the  
16 world is Universal Music Group which maintains its worldwide headquarters in California.

17 Pursuant to the laws of the United States, I declare under penalty of perjury the  
18 foregoing is true and correct.

19 Dated: August 7, 2008

20 /x/  
21 \_\_\_\_\_  
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25  
26



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## Lawyer Fights For Ownership Of Nina Simone Songs

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Author

Message

a-Ron  
Site Admin  
★★★★★



Joined: 10 Apr 2005  
Posts: 802  
Location: St. Elsewhere

Posted: Fri May 09, 2008 1:24 pm Post subject: Lawyer Fights For Ownership Of Nina Simone Songs



In a new lawsuit filed in U.S. District Court in San Francisco, attorney Steven Ames Brown claims he has a 40% ownership interest in Nina Simone's master recordings.

Brown says he obtained ownership after representing Simone in cases two decades ago against San Juan Music Group and Marshall Sehorn that established that proprietorship of the recordings belonged to the late singer.

Now that Simone has passed away, ownership of her songs seems to be an issue once again for the courts. Andrew Stroud, Simone's husband and manager, also claims ownership, and Brown's latest lawsuit seeks a judicial declaration clarifying rights.

<http://www.typepad.com/t/trackback/550202/28890154>

Aaron  
webmaster@high-priestess.com  
L'hommage: Nina Simone - [www.high-priestess.com](http://www.high-priestess.com)

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a-Ron  
Site Admin  
★★★★★



Joined: 10 Apr 2005  
Posts: 802  
Location: St. Elsewhere

Posted: Fri May 09, 2008 1:25 pm Post subject:



does this imply the lawyer was given partial ownership of the songs as payment for representing Dr. Simone?

if so - what an odd form of payment. that almost smells of exploitation.

Aaron  
webmaster@high-priestess.com  
L'hommage: Nina Simone - [www.high-priestess.com](http://www.high-priestess.com)



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Stephen G  
Super Member  
★★★



Joined: 11 Apr 2005  
Posts: 155  
Location: Canterbury, England

Posted: Sat May 10, 2008 10:39 am Post subject:



Will her problems never end - even in death? ☹

Working to keep her spirit alive!



a-Ron  
Site Admin  
★★★★★



Joined: 10 Apr 2005  
Posts: 802  
Location: St. Elsewhere

Posted: Mon Jun 16, 2008 10:45 pm Post subject:



this is an update provided to me by Andrew Stroud to give some background information about the case and his side of the story. i will post any additional developments he provides in order to give us a clear picture of what's *actually* going on:

### FROM ANDREW STROUD:

"I presently have several court suits against Brown: the main one with the RCA (SONY/BMG) label about Brown taking Nina in and falsely representing themselves as "authorized representatives of Stroud Productions & Enterprises" making a claim to and receiving payment from RCA of the funds in my producer royalty account. This case is presently in court."

Exhibit 4

Another case is with Charly Records (London-UK) wherein attorney Brown licensed masters which I own and allege that he obtained fraudulently (which is currently in court). In another issue in this case, Charly Records advertised on Amazon.com and other major online outlets their re-issue of my first 2 LPs on Stroud Records: *Nina Simone Sings Billie Holiday (1972)* and *Gospel According to Nina Simone (1973)*. In their advertisement Charly identifies them as Andy Stroud releases and used the artwork from each LP on their CD jacket and booklet. The unauthorized use of the artwork constitutes copyright infringement. Attorney Brown supplied Charly with all of the information and the LP covers artwork. Charly and I are in settlement negotiations regarding the artwork issues.

Since Nina gave Brown 40% interest in her catalog, he has conducted an unceasing war on any and everybody with Nina Simone masters in an illegal manner and I am aggressively pursuing him through the courts to recover the masters I legally have a right to as a result of my property settlement with Nina.

This is a thumbnail sketch of what is going on with my legal efforts to reclaim masters and royalties which Brown obtained illegally."

Aaron  
webmaster@high-priestess.com  
L'hommage: Nina Simone - www.high-priestess.com

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Stephen G  
Super Member



Joined: 11 Apr 2005  
Posts: 155  
Location: Canterbury, England

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Michael  
Super Member



Joined: 17 Jul 2007  
Posts: 119  
Location: Hove, UK

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Stephen G  
Super Member



Joined: 11 Apr 2005  
Posts: 155  
Location: Canterbury, England

Posted: Tue Jun 17, 2008 7:37 am Post subject:

[QUOTE](#)

Thanks for the update, Aaron. What a depressing story this is with people still vying with each other to make money from her.

Working to keep her spirit alive!

[PROFILE](#) [PM](#) [EMAIL](#)

Posted: Tue Jun 17, 2008 9:14 pm Post subject:

[QUOTE](#)

I have never heard of either LP 'Nina Simone Sings Billie Holiday' or 'Gospel According to Nina Simone': When were they actually recorded? I thought 1972 and 1973 were around the time of Nina Simone's work with RCA which culminated in 'It is Finished' in 1974. It still seems rather sad five years after Nina's passing to have this sort of thing going on.

[PROFILE](#) [PM](#)

Posted: Wed Jun 18, 2008 7:35 am Post subject:

[QUOTE](#)

*Nina Simone Sings Billie Holiday* and *Gospel According to Nina Simone* were 'unofficial' recordings released by Andrew Stroud. They both contain some interesting material.

It does seem ill-advised to give rights to recordings away to a lawyer. However, Nina could well have done so, particularly if she didn't want to risk a cash payment up front for his work. I agree with Andy's implication that she may well have not fully understood the enormity of what she was doing. She did have a history of entering into ill-judged contracts and crying about it afterwards.

It is very sad that these wranglings should follow Nina beyond the grave, and I can't comment on the rights and wrongs of the matter. However, it is interesting to note that on the reissue of the CD *A Single Woman* (the one with the additional tracks) which has just become available, there is a reference to the lawyer, Brown, in the credits printed in the booklet within the CD. Nina wrote: 'Thank you to James Watkins, Chuck Rubin and my hard working attorney, Steve Ames Brown. I will always appreciate your tireless efforts and devotion.' Nina. I assume this was also a credit on the original album but haven't checked this.

Simone was not one to hand out thanks and praise lightly!

There is considerable information about Steven Ames Brown on the internet and he appears to be a very well known and respected entertainment lawyer with much experience of the music business. Simone seemed to have valued and appreciated his efforts on her behalf.

Working to keep her spirit alive!

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SyBizar  
Participating Member



Joined: 06 Nov 2006  
Posts: 76

Posted: Wed Jun 18, 2008 11:30 am Post subject:

[QUOTE](#)

What good news !

I am very proud of the work of Mr Stroub but what energy this need, good luck Mister ...it seems to me to hear Nina saying "... this is terrrrrrrible darrrrrrrrrrrling..... but continues for Lisa "

Exhibit 4

In the series of ,  
NS sings Billie, .  
I have the song. "You Don't Know What Love Is" . I like it terribly. it's from Andy Stroub series on his site ( close now). and I  
have "NS sings Billie "( CD from LP).  
If someone want a copy , you are welcome.

I have collected 5 differents sleeves of this Album, same tracks , differents pictures..  
1/ Stroub SR 1005 US  
2/RCA Victor 443066 US ( same picture Stroub with RCA's pictures at the top).  
3/Get Back 2002 Italy  
4/Contempo CLP 529 UK  
5/RCA Victor Aussie ( Sydney) MSL 102265 Australia

and in Gospel according the song " To be young....G & Black " was from Berkeley ????

Gospel according is in my list of prefered album .

Nice day to you  
Sylvie

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**SyBizar**  
Participating Member  
★

Joined: 06 Nov 2006  
Posts: 76



Posted: Wed Jun 18, 2008 11:32 am Post subject:

QUOTE

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Nice day to you  
Sylvie

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**WillBooth**  
Participating Member  
★

Joined: 04 Mar 2008  
Posts: 17  
Location: Brighton, England



Posted: Thu Jun 19, 2008 3:09 pm Post subject:

QUOTE

I have to admit, the whole question of copyright and the Stroud releases baffles me.

How, for example, can the *Sings Billie Holiday* album include (what I'm pretty certain are) over-dubbed versions of the Philips recordings of *Strange Fruit* and *This Year's Crop of Kisses*? Have Philips/Verve genuinely not noticed, or did Nina's contract include some sort of clause that allowed for this sort of thing?

Likewise, what's the *Nina Simone at Newport* version of *Trouble In Mind* doing on *Lamentations*? Not a Stroud album this time, but again, surely Colpix/EMI must object?

Is it perhaps that Andy (and Nina?) technically owned all her recordings but produced them under exclusive licence to all her record labels?

Any ideas?

"As I ascend the spiral staircase of wakefulness ..."

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Exhibit 4





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NINA SIMONE - HIGH PRIESTESS OF SONG

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